

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

NO. 3:15-cr-00496-L

v.

USPLABS, LLC

(1)

**GOVERNMENT’S UNOPPOSED MOTION TO DISMISS COUNTS 1-6 AND 8-11
OF THE SUPERSEDING INDICTMENT AND COUNTS 1-8, 10, AND 11 OF THE
INDICTMENT AS TO USPLABS, LLC**

On September 22, 2020, the Court accepted defendant USPLabs, LLC’s plea to Count Seven of the Superseding Indictment and imposed its sentence (Doc. 959).

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, the government hereby moves to dismiss with prejudice Counts One through Six and Eight through Eleven of the January 5, 2016, Superseding Indictment (Doc. 95), and Counts One through Eight, Ten, and Eleven of the original November 12, 2015, Indictment (Doc. 12) insofar as they are alleged against defendant USPLabs, LLC.

Count One of the Superseding Indictment charges a conspiracy to commit wire fraud; Counts Two through Five charge wire fraud; Count Six charges obstruction of an agency proceeding; Count Eight charges introduction of adulterated food into interstate commerce with an intent to defraud and mislead; Count Nine charges introduction of misbranded food into interstate commerce; Count Ten charges introduction of adulterated

dietary supplements into interstate commerce; and Count Eleven charges conspiracy to commit money laundering. USPLabs was charged in each count.

Count One of the Indictment charged a conspiracy to commit wire fraud; Counts Two through Five charged wire fraud; Count Six charged obstruction of an agency proceeding; Count Seven charged conspiracy to introduce misbranded food into interstate commerce with a intent to defraud and mislead; Count Eight charged introduction of misbranded food into interstate commerce with a intent to defraud and mislead; Count Ten charged introduction of adulterated dietary supplements into interstate commerce; and Count Eleven charged conspiracy to commit money laundering. USPLabs was charged in each count except Count Nine, which charged defendants Doyle, Hebert, Miles, S.K. Laboratories, and Patel with introduction of misbranded food into interstate commerce.

As the Court has now accepted defendant USPLabs' plea to Count Seven of the Superseding Indictment, the government moves to dismiss the remaining counts of the January 5, 2016, Superseding Indictment and the original November 12, 2015, Indictment, insofar as they are alleged against defendant USPLabs, LLC, in accordance with the Plea Agreement (Doc. 694 at ¶ 9).

Respectfully submitted:

s/ Raquel Toledo
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CERTIFICATE OF SERVICE

On September 24, 2020, I electronically submitted the foregoing document with the clerk of the court of the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

s/ Raquel Toledo

RAQUEL TOLEDO

Trial Attorney

Consumer Protection Branch

U.S. Department of Justice